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Risk Retention Group, Inc.

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

J.M. WOODWORTH RISK RETENTION GROUP, INC., a Nevada Captive Corporation,

.3 Plaintiff,

4 || v.

5 UNI-TER UNDERWRITING
6 MANAGEMENT CORPORATION, a
7 Delaware Corporation; UNI-TER RISK
8 MANAGEMENT SERVICES
9 CORPORATION, a Delaware Corporation;
10 UNI-TER CLAIMS SERVICES
11 CORPORATION a Delaware Corporation;
12 and US RE AGENCIES, INC., a Delaware
13 Corporation; STATE OF NEVADA,
14 DIVISION OF INSURANCE OF THE
15 DEPARTMENT OF BUSINESS AND
16 INDUSTRY; DOES 1 through X; and ROE
17 ENTITIES XI through XX,

22 Defendants.

Case No. : 2:13-cv-00911-JAD-PAL

**MOTION FOR LEAVE TO
FILE EXHIBITS UNDER SEAL**

**FILED UNDER SEAL; CONTAINS
MATERIAL SUBJECT TO A
PROTECTIVE ORDER OF THE COURT
WHICH LIMITS DISCLOSURE AND
USE. ACCESS LIMITED TO PERSONS
AUTHORIZED BY THE PROTECTIVE
ORDER UNLESS OTHERWISE
ORDERED BY THE COURT.**

23 Plaintiff J.M. Woodworth Risk Retention Group, Inc. (“JMW”), by and through its
24 counsel of record Holland & Hart LLP, hereby bring this Motion for Leave to File Under Seal
25 (“Motion”) certain confidential exhibits attached to JMW’s Supplemental Brief in Support of its
26 Motion to Remand (“Supplemental Brief”) [Doc. 5].

27 This Motion is made and based on the following Memorandum of Points and Authorities,
28 the papers and pleadings on file herein and in the Eighth Judicial District Court for Clark

1 County, Nevada (Case No. A-13-681890-B), and any further oral argument this Court may allow
2 concerning these issues.

3 DATED this 21st day of March, 2014.

4 HOLLAND & HART LLP

5 By: /s/ Constance L. Akridge
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9 *Attorneys for Plaintiff J.M. Woodworth
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11 **MEMORANDUM OF POINTS AND AUTHORITIES**

12 “[T]he usual presumption of the public’s right of access is rebutted” for certain
13 confidential business information. *See Kamakana v. City & Cty. of Honolulu*, 447 F.3d 1172,
14 1179–80 (9th Cir. 2006); *Selling Source, LLC v. Red River Ventures, LLC*, 2011 WL 1630338,
15 *1 (D. Nev. 2011) (“[i]t is well-settled that the court has the authority to shield proprietary
16 information related to the ongoing operations of a business from public review.”) That is
17 because “[w]here the material includes information about proprietary business operations, a
18 company’s business model or agreements with clients, there are compelling reasons to seal the
19 material because possible infringement of trade secrets outweighs the general public interest in
20 understanding the judicial process.” *Id.* at *6.

21 The parties currently have a Stipulated Confidentiality and Non-Disclosure Protective
22 Order (“Protective Order”) [Doc. 39] in place that applies to all information designated as
23 “Confidential” and the parties agreed that such confidential information shall not, without the
24 consent of the party producing it or further Order of the Court, be disclosed except that such
25 information may be disclosed to the Court. Further, under the terms of the Protective Order, any
26 exhibits containing information designated as “Confidential” that are attached to any pleadings,
27 motions, or other documents filed with the Court must be filed under seal in accordance with
28 Local Rule 10-5.

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1 JMW is now prepared to file its Supplemental Brief concurrently with this Motion.
2 Contained in the Supplemental Brief and certain exhibits is information that has been designated
3 as confidential, proprietary, and/or trade secret information under the Protective Order:

- **Exhibit 2:** JMW's Confidential Offering Memorandum
- **Exhibit 3:** JMW Bylaws

6 This information is necessary to support JMW's Supplemental Brief. Specifically, the
7 Supplemental Brief contains excerpted and summarized portions of JMW's Confidential
8 Offering Memorandum and Bylaws, which discuss confidential business information that has
9 been designated confidential under the Protective Order. As a result, compelling reasons exist to
10 grant the present Motion. Accordingly, and pursuant to Local Rule 10-5(b), JMW respectfully
11 requests that it be allowed to file the confidential exhibits attached to the Supplemental Brief
12 under seal from the general public.

DATED this 21st day of March, 2014.

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CERTIFICATE OF SERVICE

I hereby certify that on the 21st day of March, 2014, a true and correct copy of the foregoing **MOTION FOR LEAVE TO FILE UNDER SEAL** was served on counsel through the Court's electronic service system as follows:

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